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In Propria Persona



7 UNITED STATES DISTRICT COURT FOR
8 THE CENTRAL DISTRICT OF CALIFORNIA

9 WESTERN DIVISION

11 TODD R. G. HILL, et al.,

13 Plaintiffs

15 vs.

17 THE BOARD OF DIRECTORS,
18 OFFICERS AND AGENTS AND
19 INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,

20 Defendants.

12 CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

13 The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

15 Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

17 EX PARTE APPLICATION FOR LEAVE TO
FILE SURREPLY IN OPPOSITION TO
DEFENDANT SPIRO'S REQUEST FOR
JUDICIAL NOTICE (DOCKET 278)

20 NO ORAL ARGUMENT REQUESTED

EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT SPIRO'S
REQUEST FOR JUDICIAL NOTICE (DOCKET 278)

CASE 2:23-CV-01298-JLS-BFM

1 **EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO**
2 **DEFENDANT SPIRO'S REQUEST FOR JUDICIAL NOTICE**
3 **(DOCKET 278)**

4 TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

5
6 Plaintiff Todd R. G. Hill respectfully applies ex parte for leave to file a limited surreply in further
7 opposition to Defendant Spiro's Request for Judicial Notice (Docket 278) and reply filing (Docket
8 282).
9

10 **I. GOOD CAUSE EXISTS FOR PERMITTING A SURREPLY**

11 Defendant's reply (Docket 282), filed after Plaintiff's opposition (Docket 280), raises new factual
12 assertions via a declaration submitted under penalty of perjury and injects new legal characterizations
13 not previously briefed. The reply includes self-serving statements regarding Defendant Spiro's role,
14 motivations, and relationship to the Peoples College of Law, which are not judicially noticeable and
15 directly contradict the well-pled allegations of the operative complaint.
16
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18 Further, the reply contains multiple personal attacks and unsupported factual claims directed at
19 Plaintiff, which are both irrelevant and inappropriate in this context. These issues merit a focused
20 surreply to assist the Court in narrowing the legal question at issue: whether judicial notice may be
21 used to resolve disputed factual questions and affirmative defenses at the pleading stage.
22

23 Plaintiff respectfully requests leave to file a surreply not to exceed five (5) pages, limited to
24 addressing only new material raised in Docket 282. A proposed surreply is attached as Exhibit A.
25

26 Defendant's reply includes sweeping accusations of dishonesty and even suggests Rule 11
27 sanctions, yet it fails to identify any specific factual misstatement or citation that meets the threshold
28 for sanctionable conduct. The portions of Plaintiff's brief that Defendant challenges, such as the

**EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT SPIRO'S
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CASE 2:23-CV-01298-JLS-BFM

1 analogy to *Batzel v. Smith*, are clearly framed as interpretive and do not purport to assert controlling
2 authority. Mere disagreement over the legal relevance of cited cases, particularly where used
3 analogically, does not constitute fabrication.

5 Defendant's rhetoric reflects dissatisfaction with the implications of Plaintiff's legal theory rather
6 than any identifiable falsehood. In this context, such accusations should be disregarded as improper,
7 unsupported, and irrelevant to the narrow legal question before the Court: whether judicial notice
8 may be used to resolve disputed factual matters on a motion to dismiss.

10 This application is made in good faith, to clarify the record and assist the Court in resolving the
11 pending judicial notice request on a procedurally proper and factually complete basis.
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13 Respectfully submitted,

15 Dated: May 1, 2025

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20 Todd R. G. Hill
21 Plaintiff, Pro Se

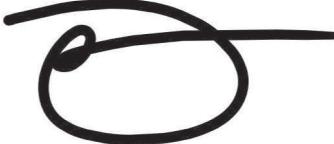
22 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

24 The undersigned party certifies that this brief contains 384 words, which complies with the 7,000-
25 word limit of L.R. 11-6.1.
26

27 Respectfully submitted,

**EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT SPIRO'S
REQUEST FOR JUDICIAL NOTICE (DOCKET 278)**
CASE 2:23-CV-01298-JLS-BFM

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May 1, 2025
Todd R.G. Hill
Plaintiff, in Propria Persona

6 **Plaintiff's Proof of Service**

7 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
8
9 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
10 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
11 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
12 and (2) all pro se parties who have been granted leave to file documents electronically in the case
13 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
14 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
15 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
16 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

17 Respectfully submitted,
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May 1, 2025
Todd R.G. Hill
Plaintiff, in Propria Persona

**EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT SPIRO'S
REQUEST FOR JUDICIAL NOTICE (DOCKET 278)**
CASE 2:23-CV-01298-JLS-BFM

EXHIBIT A

**EX PARTE APPLICATION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO DEFENDANT SPIRO'S
REQUEST FOR JUDICIAL NOTICE (DOCKET 278)**
CASE 2:23-CV-01298-JLS-BFM

EXHIBIT A, pg. 1 of 9

Todd R. G. Hill
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UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TODD R. G. HILL, et al,

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

Plaintiffs

The Hon. Josephine L. Staton
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Defendants.

The Hon. Josephine L. Staton
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Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**[PROPOSED] SURREPLY TO DEFENDANT
SPIRO'S REPLY IN SUPPORT OF
REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**

NO ORAL ARGUMENT REQUESTED

**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(POCKET 282)**

1 TABLE OF CONTENTS

I.	JUDICIAL NOTICE MAY NOT BE USED TO RESOLVE DISPUTED FACTS OR AFFIRMATIVE DEFENSES AT THE RULE 12(B)(6) STAGE.....	3
II.	PLAINTIFF'S ARGUMENTS ARE GROUNDED IN ANALOGY, NOT MISREPRESENTATION.....	4
III.	DEFENDANT'S REPLY CONTAINS IMPROPER RHETORIC AND FACTUAL ASSERTIONS UNSUITABLE FOR RULE 12 ADJUDICATION.....	5
IV.	CONCLUSION.....	7
STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1		7
Plaintiff's Proof of Service.....		8

10 **Cases**

<i>Khoja v. Orexigen Therapeutics, Inc.</i> , 899 F.3d 988, 998 (9th Cir. 2018)	3, 4
<i>Lee v. City of Los Angeles</i> , 250 F.3d 668, 689 (9th Cir. 2001).....	3

11 **Rules**

Rule 12(b)(6).....	6
Rule 12(d)	7

SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)

1 [PROPOSED] SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST
2 FOR JUDICIAL NOTICE (DOCKET 282)

3 TO THE HONORABLE COURT:

4 Plaintiff submits this limited surreply in response to new factual assertions and argumentative
5 rhetoric introduced for the first time in Defendant Spiro's reply (Docket 282). Plaintiff respectfully
6 urges the Court to disregard portions of the reply that improperly inject factual disputes,
7 mischaracterize the applicable legal standard, and rely on ad hominem attacks rather than controlling
8 law.

9

10 **I. JUDICIAL NOTICE MAY NOT BE USED TO RESOLVE DISPUTED FACTS OR**
11 **AFFIRMATIVE DEFENSES AT THE RULE 12(B)(6) STAGE**

12 Defendant Spiro's reply fails to engage the legal substance of Plaintiff's core objection: that
13 requests for judicial notice under FRE 201 may not be used to resolve material factual disputes, nor
14 may they support adjudication of an affirmative defense at the motion to dismiss stage. See *Khoja v.*
15 *Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998 (9th Cir. 2018); *Lee v. City of Los Angeles*, 250 F.3d
16 668, 689 (9th Cir. 2001). Spiro instead attempts to establish his lack of compensation through a self-
17 serving declaration and sharply contested factual narrative—both of which are procedurally and
18 substantively improper at this stage of the litigation.

19 Plaintiff's Fourth Amended Complaint directly alleges that Peoples College of Law, with the
20 knowledge or participation of Defendant Spiro, engaged in the unlawful collection of tuition and fees
21 during periods in which the institution was noncompliant with State Bar requirements and barred
22 from charging students. These allegations form part of Plaintiff's broader claims under civil RICO,
23 fraud, and negligence, and are supported by judicially noticeable evidence, including the Committee
24 of Bar Examiners' December 14, 2023 action letter (Docket 102, Exhibit 201A). Defendant Spiro's

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SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)

1 invocation of Plaintiff's alleged tuition delinquency as a character attack not only mischaracterizes
2 the legal and factual context, it reinforces Plaintiff's core claim: that institutional actors knowingly
3 misrepresented the school's regulatory status while seeking to extract unlawful payments from
4 students. This disputed conduct lies at the heart of Plaintiff's allegations and cannot be resolved at the
5 pleading stage, nor through a motion for judicial notice.
6
7

8 **II. PLAINTIFF'S ARGUMENTS ARE GROUNDED IN ANALOGY, NOT
9 MISREPRESENTATION**

10 Plaintiff's citation to *Batzel v. Smith*, 333 F.3d 1018 (9th Cir. 2003), was plainly offered as an
11 analogy, not as controlling authority, and is consistent with accepted legal reasoning. The reference
12 illustrated that courts, when interpreting statutory immunity provisions, have acknowledged that
13 intangible benefits such as reputation, prestige, or editorial influence can bear on the legal
14 consequences of a professional's conduct.
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17 Defendant Spiro's claim that this constitutes fabrication or sanctionable conduct is unfounded
18 and inflammatory. The Ninth Circuit routinely accepts analogical reasoning, particularly where courts
19 address statutory interpretation in adjacent domains. Plaintiff never asserted that *Batzel* governs the
20 Volunteer Protection Act (VPA); instead, he noted that the logic in *Batzel* supports the broader
21 proposition that non-monetary incentives may constitute consideration in quasi-professional contexts.
22
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24 While *Batzel* focuses on Section 230 immunity, it expressly analyzes how reputational
25 implications and editorial discretion affect whether an individual is considered a publisher or content
26 provider—concepts relevant here in evaluating whether a licensed attorney and former dean who
27 oversaw academic programs and regulatory communications may have received significant non-
28 monetary benefits. That Plaintiff cited *Batzel* to illuminate this point is well within the bounds of

**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**

1 legitimate legal reasoning. His briefing further stated that discovery would be necessary to determine
2 the extent of such benefits—underscoring that this is not a dispositive legal claim, but a factual
3 inquiry under *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018), which cautions
4 against resolving contested matters at the pleading stage.
5

6 Spiro's insistence that only exact language matching Plaintiff's quotation could justify the
7 citation reflects a narrow and incorrect view of federal briefing practice. If anything, his response
8 confirms that the matter should proceed to discovery and not be resolved by judicial notice.
9

10

11 **III. DEFENDANT'S REPLY CONTAINS IMPROPER RHETORIC AND FACTUAL
12 ASSERTIONS UNSUITABLE FOR RULE 12 ADJUDICATION**

13 The reply makes extensive factual claims about Plaintiff's history, tuition, conduct, and
14 credibility, many of which are irrelevant to the present judicial notice motion and unsupported by
15 judicially noticeable materials. These assertions are designed not to clarify legal standards but to
16 discredit Plaintiff personally, and they veer into language inconsistent with the dignity of federal
17 proceedings.
18

19 Defendant Spiro's attempt to discredit Plaintiff by reciting allegations about unpaid tuition is
20 not only irrelevant to the judicial notice question, it is affirmatively contradicted by the administrative
21 record before this Court. Specifically, Docket 102, Exhibit 201A contains the Committee of Bar
22 Examiners' December 14, 2023 formal action, which confirms that Peoples College of Law was
23 placed on probationary status for non-compliance with accreditation standards and was barred from
24 charging tuition or fees during periods of non-compliance. The record reflects that this status applied
25 retroactively to a period including and prior to Plaintiff's initial enrollment. Defendant Spiro, who
26 served as Dean during these periods, had an institutional duty not to collect fees in contravention of
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**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**

1 that restriction. His reliance on Plaintiff's alleged tuition delinquency as evidence of bad faith not
2 only misstates the law, it underscores the core allegation that the institution operated unlawfully and
3 failed to disclose its regulatory violations.

5 More importantly, even if these claims are relevant, they are directly contradicted by
6 judicially noticeable evidence already before the Court. Docket 102, Exhibit 201A contains the
7 Committee of Bar Examiners' December 14, 2023 action placing Peoples College of Law on
8 probationary status for sustained non-compliance, barring the school from collecting tuition or fees
10 during those periods. That probationary status applied retroactively, including to the period prior to
11 Plaintiff's matriculation. As Dean during this time, Defendant Spiro bore a professional obligation to
13 comply with these restrictions. His invocation of Plaintiff's alleged tuition delinquency not only
14 misstates the legal backdrop but ironically supports Plaintiff's central claim, i.e., that institutional
15 actors knowingly misrepresented the school's compliance status while seeking to extract fees in
16 violation of State Bar directives.

18 That Spiro invokes this as a defense only reinforces the need for discovery into his role in
19 knowingly advancing unlawful collection efforts against students, including the very conduct the
21 State Bar ultimately sanctioned via authority revocation.

22 To the extent the Court considers these assertions at all, Plaintiff respectfully submits that
23 they raise factual questions regarding regulatory compliance, disclosure, and fiduciary responsibility
25 that cannot be resolved at the pleading stage. These issues require factual development through
26 discovery—not summary resolution by judicial notice or Rule 12(b)(6) motion and, to the extent the
27 Court would consider the records he presents for purposes of dismissal they would trigger Rule 12(d)
28

**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**

consideration. The Court is not asked to rule on the truth of either party's competing factual claims, only to reject Defendant's attempt to bypass discovery by asserting contested facts through a procedural shortcut.

IV. CONCLUSION

For these reasons, the Court should disregard the new factual contentions and personal accusations in Defendant’s reply. The legal question remains narrowly framed: whether judicial notice may be used to resolve disputed facts on a Rule 12(b)(6) motion. As established in Plaintiff’s opposition, the answer under governing Ninth Circuit precedent is no.

Importantly, the Court need not resolve these factual disputes now. It need only recognize that they exist and that judicial notice cannot properly dispose of them.

Respectfully submitted,

Dated: May 1, 2025

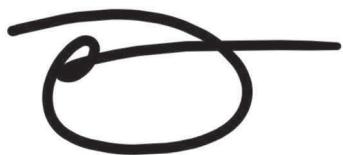
**Todd R. G. Hill
Plaintiff, In Propria Persona**

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 1,207 words, which complies with the 7,000-word limit of L.R. 11-6.1.

**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**

1 Respectfully submitted,
2
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4



5 May 1, 2025
6 Todd R.G. Hill
7 Plaintiff, in Propria Persona

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18 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
19 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

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23 May 1, 2025
24 Todd R.G. Hill
25 Plaintiff, in Propria Persona
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**SURREPLY TO DEFENDANT SPIRO'S REPLY IN SUPPORT OF REQUEST FOR JUDICIAL NOTICE
(DOCKET 282)**